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2010 DEC 22 P 4: 17

AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC 22 2010

DOCKETED BY

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Assistant Chief Counsel
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Attorneys for Applicant City of Phoenix

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS:

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF THE APPLICATION
OF THE CITY OF PHOENIX TO UPGRADE
A CROSSING OF THE UNION PACIFIC
RAILROAD AT LOWER BUCKEYE ROAD
IN THE CITY OF PHOENIX, MARICOPA
COUNTY, ARIZONA, USDOT NO. 741-
443-G.

DOCKET NO. RR-03639A-10-0355

APPLICANT CITY OF PHOENIX'S
CERTIFICATION OF NOTICE

Pursuant to the Procedural Order dated December 1, 2010 in the above-
referenced matter, Applicant City of Phoenix hereby files this Certification of Notice as
follows:

1. Within five business days of the City's receipt of the Procedural Order,
the City sent a copy by certified mail of the City's application and the Procedural Order to
the Union Pacific Railroad, Maricopa County, the Arizona Department of Transportation,

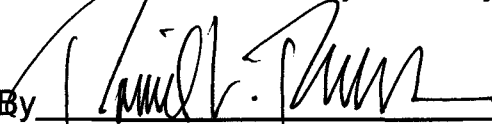
OFFICE OF THE CITY ATTORNEY
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200 WEST WASHINGTON, SUITE 1300
PHOENIX, ARIZONA 85003-1611
(602) 262-6761

1 adjacent property owners and tenants, and the staff for the Arizona Corporation
2 Commission. (Affidavit of Jose F. Guzman ("Guzman Affidavit") attached as Exhibit "A"
3 hereto and incorporated by this reference, ¶3).

4 2. On or about December 15, 2010, the City of Phoenix provided public
5 notice of the hearing for the City's application as provided in the Procedural Order in the
6 Record Reporter. (See Affidavit of Publication attached as Exhibit "B" and incorporated
7 herein by this reference.)

8 RESPECTFULLY SUBMITTED this 22nd day of December, 2010.

9 GARY VERBURG, City Attorney

10 By 

11 DANIEL L. BROWN
12 200 W. Washington, Suite 1300
13 Phoenix, Arizona 85003-1611
Attorneys for Applicant City of Phoenix

14 ORIGINAL and 13 copies delivered
15 this 22nd day of December, 2010, to:

16 Docket Control Center
17 Arizona Corporation Commission
18 1200 W. Washington Street
19 Phoenix, Arizona 85007

20 COPIES of the foregoing mailed/
21 delivered this 22nd day of December,
22 2010, to:

23 Honorable Marc E. Stern
24 Administrative Law Judge
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, Arizona 85007

/ / /

/ / /

1 Freddy Cheung, P.E.
Senior Manager – Industry & Public Projects
2 UNION PACIFIC RAILROAD COMPANY
2015 South Willow Avenue
3 Bloomington, CA 92316

4 Anthony J. Hancock
Terrance L. Sims
5 BEAUGUREAU, HANCOCK,
STOLL & SCHWARTZ, P.C.
6 302 East Coronado
7 Phoenix, AZ 85004
Attorneys for Union Pacific Railroad Company

8 Thomas Fisher, Utility Coordinator
9 CITY OF PHOENIX
200 W. Washington Street
10 Phoenix, AZ 85003-1611

11 Robert Travis, P.E., State Railroad Liaison
12 ARIZONA DEPARTMENT OF
TRANSPORTATION
13 205 South 17th Avenue, Room 357
M/D 618E
14 Phoenix, AZ 85007

15 Kelly Roy, Utility Project Coordinator
16 MARICOPA COUNTY DEPARTMENT
OF TRANSPORTATION
2901 West Durango Street
17 Phoenix, AZ 85009

18 ARIZONA REPORTING SERVICE, INC.
19 2200 North Central Street, Suite 502
Phoenix, AZ 85004

20 COPIES also sent via e-mail this 22nd
21 day of December, 2010, to:

22 / / /

23 / / /

24 / / /

1 Janice Alward, Chief Counsel
Charles Hains, Staff Counsel
2 Arizona Corporation Commission
1200 W. Washington Street
3 Phoenix, Arizona 85007
4 E-Mail: chains@azcc.gov

5 Brian Lehman, Chief
Chris Watson
6 Railroad Safety Section
Arizona Corporation Commission
7 1200 W. Washington Street
Phoenix, Arizona 85007
8 E-Mail: cwatson@azcc.gov

9
10 By: Tee Rasso
DLB: tr:894445

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AFFIDAVIT OF JOSE F. GUZMAN

STATE OF ARIZONA)
)
County of Maricopa) ss.

I, JOSE F. GUZMAN, being duly sworn upon my oath, depose and state as follows:

1. I am a Principal Engineering Technician with the City of Phoenix Street Transportation Department and the public information coordinator for the City to make improvements to an existing crossing at Lower buckeye Road in the City of Phoenix, Maricopa County Arizona at USDOT No. 741-443-G.

2. I am the City's contact for the City's application to the Arizona Corporation Commission to make the improvements to the subject railroad crossing.

3. The City of Phoenix received the Procedural Order in this matter on or about December 1, 2010. Within five business days of December 1, 2010, on behalf of the City, I caused a copy of the City's application and the Procedural Order to be delivered by certified mail to the Union Pacific Railroad, Maricopa County, Arizona Department of Transportation, adjacent property owners and tenants, and staff for the Arizona Corporation Commission.

WITNESSETH, that I have made the foregoing affidavit and that I verify the same of my own knowledge and positively, and not upon information and belief, and swear to the foregoing.


JOSE F. GUZMAN

OFFICE OF THE CITY ATTORNEY
GARY VERBURG, City Attorney
200 WEST WASHINGTON, SUITE 1300
PHOENIX, ARIZONA 85003-1611
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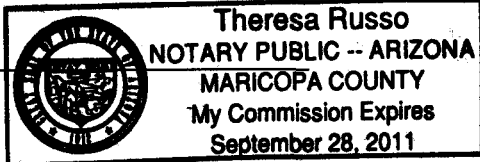
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SUBSCRIBED AND SWORN to before me this 22nd day of December, 2010,

by Jose F. Guzman.

Theresa Russo
NOTARY PUBLIC

My Commission Expires:



THE RECORD REPORTER

~ SINCE 1914 ~

1505 N CENTRAL AVE #200, PHOENIX, AZ 85004-1725
Telephone (602) 417-9900 / Fax (602) 417-9910

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and Pima Counties

MONICA MILLER
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AFFIDAVIT OF PUBLICATION

Reference #: 85100145

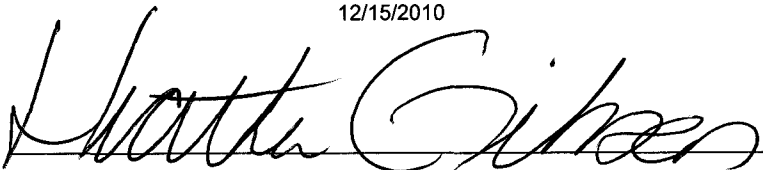
Notice Type: PXHRG - ORDER & NOTICE OF HEARING

Ad Description: DOCKET NO. RR-03639A-10-035 UPGRADE A
CROSSING OF THE UNION PACIFIC RAILROAD AT
LOWER BUCKEY ROAD

I, Heather Gibson, am authorized by the publisher as
agent to make this affidavit. Under oath, I state that the following is true and
correct.

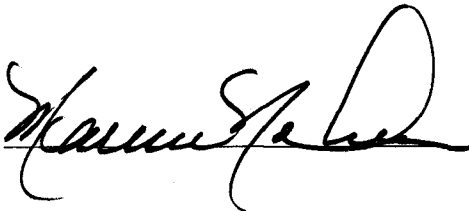
THE RECORD REPORTER is a newspaper of general circulation published
Monday, Wednesday and Friday except legal holidays, in the County of
Maricopa (also publishing for Pima County), State of Arizona. The copy
hereto attached is a true copy of the advertisement as published on the
following dates:

12/15/2010



State Of Arizona)
)ss.
County Of Maricopa)

Subscribed and sworn to before me on the 15th day of December, 2010



MARCIA NOAVA
Notary Public - Arizona
Maricopa County
Expires on 04/30/2014

RR# 2007584

IN THE MATTER OF THE
APPLICATION OF THE CITY OF
PHOENIX TO UPGRADE A
CROSSING OF THE UNION
PACIFIC RAILROAD AT LOWER
BUCKEY ROAD IN THE CITY OF
PHOENIX, MARICOPA COUNTY,
ARIZONA, AT USDOT NO. 741-443-
G (DOCKET NO. RR-03639A-10-
035) On August 26, 2010, the City of
Phoenix ("City") filed with the Arizona
Corporation Commission
("Commission") an application for
approval for the Union Pacific
Railroad ("Railroad") to upgrade an
existing crossing at Lower Buckeye
Road, in The City of Phoenix, Arizona,
Maricopa County, Arizona at USDOT
No. 741-443-G. The application is
available for inspection during regular
business hours at the offices of the
Commission in Phoenix, at 1200 West
Washington Street, Phoenix, Arizona,
and on the internet via the
Commission website (www.azcc.gov)
using the e-docket function. The
Commission will hold a hearing on this
matter commencing on January 10,
2011, at 10:00 a.m., at the
Commission's offices, 1200 West
Washington Street, Phoenix, Arizona.
Public comment will be taken on the
first day of the hearing. The law
provides for an open public hearing at
which, under appropriate
circumstances, interested parties may
intervene. Intervention shall be
permitted to any person entitled by
law to intervene and having a direct
and substantial interest in the matter.
Persons desiring to intervene must file
a written motion to intervene with the
Commission, which motion should be
sent to Applicant or its counsel and to
all parties of record, and which, at the
minimum, shall contain the following:
1. The name, address, and telephone
number of the proposed intervenor
and of any party upon whom service
of documents is to be made if different
than the intervenor. 2. A short
statement of the proposed
intervenor's interest in the proceeding
(e.g., a customer of Railroad, a
neighboring property owner, a
crossing user, etc.). 3. A statement
certifying that a copy of the motion to
intervene has been mailed to the
Applicant or its counsel and to all
parties of record in the case. The
granting of motions to intervene shall
be governed by A.A.C. R14-3-105,
except that all motions to intervene
must be filed on or before January 3,
2011. The granting of intervention,
among other things, entitles a party to
present sworn evidence at hearing
and to cross-examine other
witnesses. However, failure to
intervene will not preclude any
customer from appearing at the
hearing and making a statement on
such customer's own behalf. If you
have any questions about this
application, you may contact the
applicant at 602-495-0717. If you wish
to file written comments on the
application or want further information
on intervention, you may write the
Consumer Services Section of the
Commission at 1200 West
Washington Street, Phoenix, Arizona

85007 or call 602-542-4251 or 1-800-
222-7000, or appear at the hearing
and make comment. The Commission
does not discriminate on the basis of
disability in admission to its public
meetings. Persons with a disability
may request a reasonable
accommodation such as a sign
language interpreter, as well as
request this document in an
alternative format, by contacting
Shaylin Bernal, ADA Coordinator,
voice phone number 602-542-3931,
E-mail: SABernal@azcc.gov.
Requests should be made as early as
possible to allow time to arrange
accommodation.
12/15/10

RR-2007584#

